U. S. Department of Housing and Urban Development Office of Public and Indian Housing

Special Attention of: Notice PIH 2003 –27 (HA)

Regional Directors;

Public Housing Office Directors; Issued: October 24, 2003
Public Housing Agencies (PHAs); Expired: October 31, 2004

Section 8 PHAs/Owners;

Hub and Program Center Directors;

Resident Management Corporations Cross Reference

Subject: Guidance to Public Housing Agencies on Providing Information to Law Enforcement on Possible Fleeing Felons

1. Purpose

This Notice provides guidance on the circumstances under which public housing agencies (PHAs) are required to disclose information they maintain on recipients of assistance to law enforcement authorities. The Notice also discusses what is required of the PHA and what is required of the law enforcement agency.

2. Applicability

This Notice applies to all HUD housing assistance programs in which a PHA may participate in or administer, including public housing, the Housing Choice Voucher program and the Moderate Rehabilitation program.

3. Background

This impetus for this Notice are the directives stated in the Personal Responsibility and Work Opportunity Act (PRWORA), which amends Title I of the U.S. Housing Act of 1937 by adding a new Section 27, now Section 28 of the U.S. Housing Act of 1937. Section 28 requires that PHAs provide, upon legitimate request from a law enforcement officer, the current address, Social Security number and photograph (if applicable) of any recipient of assistance who is a fugitive felon and/or a parole or probation violator.

4. Exchange of Information

PHAs are required to comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators.

PHAs must supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if applicable) of any recipient of assistance.

A Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements in Section 28:

- I. Notify the PHA that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
- II. The location or apprehension of the recipient is within such officer's official duties; and,
- III. The request is made in the proper exercise of the officer's official duties.

The Fair Housing Act prohibits discrimination because of race, national origin, religion, sex, disability and familial status in most housing transactions. Therefore, when PHAs respond to inquiries from law enforcement officials, the response must be made in a nondiscriminatory fashion, and all procedures must be uniformly followed.

5. For Further Information

If there are questions regarding this guidance, please contact your local HUD public housing Field Office.

6. Paperwork Reduction.

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0232. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

___/s/___ Michael Liu Assistant Secretary